



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Russell J. Gulley, Vice Chairman
Mr. Jack R. Wilson, III
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator
for Community Development
Mr. Glenn E. Larson, Assistant Director, Advance Planning
and Research and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Section, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administration
Section, Planning Department
Ms. Michelle L. Martin, Secretary, Administrative Section,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Steven E. Simonson, Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Assistant Fire Marshal John P. Jones,
Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff met at 12:00 p. m. in the Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- A. Requests to **Postpone Action, Emergency Additions** or **Changes** in the **Order of Presentation**.
- B. Review **Upcoming Agendas**.
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed).
- C. Review **Day's Agenda**.
(NOTE: At this time, any items listed for the 3:00 P. m. and 7:00 p. m. Sessions will be discussed).
- D. **Plans and Information Section Update**.
- E. **Work Program – Review and Update**.
- F. **Discussion to Consider Rescheduling Planning Commission Evening Session Meeting Start Time**.
- G. **Code Amendment Relative to Residential (R-5) Zoning Classification**.
- H. *Northern Courthouse Road Community Plan*.
- I. **Status Report – Swift Creek Reservoir Master Plan and Maintenance Program**.
- J. **Deferred Item – Code Amendment Relative to Sale of Alcoholic Beverages within Proximity of School Sites**.
- K. **Adjournment**.

Mr. Gecker introduced and welcomed Mr. Pete Stith, Deputy County Administrator for Community Development, and Ms. Cynthia Owens-Bailey, Director of Planning for School Administration, to the meeting.

Ms. Owens-Bailey introduced Mr. Mike Etienne, Communications Specialist for the School Administration Planning Department.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to reorder Item I., Status Report-*Swift Creek Reservoir Master Plan and Maintenance Program*, as new Item E., and reordered the remainder of the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of March, April and May 2007.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins, Allen and Feest presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson updated the Commission as to the project status relative to transitioning the land use plan to the GIS System and pending General Assembly legislation.

E. STATUS REPORT – SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program* relative to an analysis of the watershed modeling, noting the consultant, CH2M Hill, was conducting several independent analyses which would demonstrate relationships between the observed and P8 predicted tributary flow and load data as well as the potential influence of the reservoir water budget and would consider TP runoff concentrations, impervious values and rainfall.

Mr. Tim Hare, CH2M Hill consultant, was present to address concerns and answer questions relative to the analyses.

Upon conclusion of the discussion, the Commission requested that staff continue providing a status report relative to the *Reservoir Master Plan and Maintenance Program* at the scheduled Work Sessions and, in addition, requested a copy of the consultant's report be provided as soon as possible.

F. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the March 2007 Work Program, as presented.

G. DISCUSSION TO CONSIDER RESCHEDULING PLANNING COMMISSION EVENING SESSION MEETING START TIME.

It was the consensus of the Commission to continue the start time for the Planning Commission Evening Sessions at 7:00 p. m.

H. CODE AMENDMENT RELATIVE TO RESIDENTIAL (R-5) ZONING CLASSIFICATION.

Mr. Bowling presented information relative to the establishment of a newly proposed Residential (R-5) zoning classification and asked the Commission to consider scheduling discussion of the proposal at a future work session.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission scheduled discussion of the proposed Residential (R-5) zoning classification at their March 20, 2007, Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

I. NORTHERN COURTHOUSE ROAD COMMUNITY PLAN.

Mr. Haasch presented a chronological history and summary of modifications to the proposed *Northern Courthouse Road Community Plan* and a summary of modifications, noting a community meeting was scheduled for March 6, 2007, and the Commission's public hearing on the *Plan* was scheduled at their March 20, 2007, meeting.

J. DEFERRED ITEM – CODE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.

Staff updated the Commission as to the status of the proposed Code Amendment relative to the sale of alcoholic beverages within proximity of school sites, noting that staff was awaiting information/direction from the Board.

K. ADJOURNMENT.

There being no further business to discuss, the Commission adjourned at 2:18 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

C. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the December 14, 2006 and January 16, 2007, Planning Commission meeting minutes.

♦ DECEMBER 14, 2006 (DEFERRED FROM A PREVIOUS PLANNING COMMISSION MEETING).

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the December 14, 2006, Planning Commission minutes, with the following correction:

Page 11, Paragraph 6:

"Messrs. Gecker and Bass stated they felt his suggested **suggestion** was excellent and asked that he prepare language to be included in the *Northern Courthouse Road Community and Upper Swift Creek Plans*."

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **JANUARY 16, 2007.**

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to approve the January 16, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL REQUEST BY APPLICANT.**

07PR0264: In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested deferral to April 17, 2007, for consideration of approval of architectural elevations for the proposed buildings shown on the site plan of companion Case 07PR0138 to be heard at the same meeting. This project is commonly known as **RAILEY HILL OFFICE PARK (ARCHITECTURE)**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the east line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07PR0264 to the April 17, 2007, Planning Commission meeting.

Mr. Gecker opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the deferral.

Ms. Barbara Roe, a Walton Park resident, expressed concerns relative to, and requested definitive information, the impact relocating the Railey Hill House to the Midlothian Mines Park would have on her property.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gecker referenced ongoing discussions between Mr. Scherzer and Ms. Satterfield and requested that Ms. Roe be included in those discussions.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07PR0264 to the April 17, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

07PR0138: In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested site plan approval with a twenty (20) foot reduction to a fifty (50) foot buffer along the east property line with minor grading within the remaining buffer and approval of a conceptual landscape plan for the buffer to the south by Condition 17 of Case 87S052. The request for approval of architecture is being reviewed through companion Case 07PR0264 to be heard at the same meeting. This project is commonly known as **RAILEY HILL OFFICE PARK**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the east line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the request.

Ms. Barbara Roe, a Walton Park resident, expressed concerns relative to the zoning classification, retail uses and the lack of an adequate road network to accommodate area traffic.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from the Commission, Mr. Allen stated all the properties included in the zoning were accompanied by Conditional Use Planned Developments and the uses proposed reflected Corporate Office (O-2) zoning.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of the site plan with a twenty (20) foot reduction to a fifty (50) foot buffer with minor grading in the remaining buffer and approval of a conceptual landscape plan for the buffer to the south, as required by Condition 17 of zoning Case 87S052, for Case 07PR0138, Katherman & Company (Railey Hill Office Park), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS

1. Should the relocation of the Railey Hill house occur, a new office building of similar size may be constructed where it currently sits and shall be reviewed through the building permit process. (P)

2. Plans shall be submitted for administrative review and approval which accomplish the following staff review comments. (P)

REVIEW COMMENTS

1. An access easement, acceptable to the Transportation Department, must be recorded from the end of the Browns Way Road right-of-way to the adjacent property to the east. Provide a copy of the easement to us for our review and approval. (T)
2. Prior to release of building permit, 30 feet of right-of-way measured from the centerline of Walton Park Lane shall be dedicated to Chesterfield County. (T)
3. Per previous Fire Comment #1
Submit the required water flows for fire protection purposes for each of the proposed buildings on site. (F)
4. Per previous Fire Comment #2
Add a hydrant in the area to the east of building #6. Currently the spacing exceeds that required by Table C105.1 of the 2003 International Fire Code. (F)
5. Since the buildings will be sold off, the sewer line will be public. Show a 16' easement for the sewer line or a 26' water and sewer easement for the areas where the sewer line parallels the waterline. (U)
6. Submit the sales agreement for the condos stating that the association will pay the utilities bill and maintain the private plumbing lines. (U)
7. Place note on plans: private plumbing lines to cross under the waterline. (U)
8. Show the taps for the 1" water meter and 1" irrigation meter south of the fire hydrant so that there are no bends in the water service. (U)
9. A water easement needs to be shown for future extension to Walton Park Lane. Show a 16' water easement with 2-10' temporary construction easements. A fax will be sent of a suggested layout. (U)
10. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the Land Disturbance Permit. (EE)
11. It is the responsibility of the owner to provide one additional set of plans to the Environmental Engineering Department and obtain an "approved for construction" stamp on two additional sets for the owner to keep on site. (EE)

12. Prior to issuance of a Land Disturbance Permit, a diskette/CD, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:

- a. Final grading contour lines (5' intervals);
- b. Proposed building footprint;
- c. All impervious area (parking lots, driveways, roads, etc); and
- d. The storm sewer system.

A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)

13. All offsite drainage easements must be recorded prior to issuance of a land disturbance permit for this project. (EE)

14. A Land Disturbance Permit is required for this project and the following are required prior to its issuance:

- a. Substantial or full site plan approval
- b. A VDOT land use permit
- c. A letter must be received from a qualified wetlands expert stating:
 1. there are no wetlands impacted on this project, or
 2. all applicable federal and state wetland permits have been acquired (copies of the permits must be submitted)
- d. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the department of conservation and recreation) must be submitted (sites of one acre or more) (EE)

15. Provide documentation from a professional engineer on whether or not the geotechnical report provided with the last plan submittal satisfies zoning Condition 20 of Case 87S052. (EE)

16. Put a revision date on the resubmitted plans. Resubmit 10 full sets and one copy of the site plan sheet to the planning department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)

17. Per previous Planning Comment 13, provide the site plan number on each sheet. Revise the site plan number on Sheet C6 to read 07PR0138. (P)

18. Per previous Planning Comment 16, provide two sets of lighting plans and cutsheets for all building mounted and free standing (pole) light fixtures. Show the location of all light fixtures. All light fixtures must be either a shoe box style with a flat lens or have full

external shields (level with the bottom of the lens) except as required by Condition 8 of Case 00SN0204, that requires street lighting for the retail center, & Condition 18 of Case 87S052 that requires exterior lighting to match the architectural style of the development for the office buildings. Read both conditions and provide plans & cutsheets. (P)

19. Two separate copies of the irrigation and/or hosebib plan must be submitted. This needs to be part of the site plan review and approval by the Planning Commission. (P)
20. Per previous comment 21:
Show detail of screening for all ground mounted mechanical equipment and how building mounted equipment is screened. Ground mounted equipment is not shown for the retail building on the site plan. Revise. (P)
21. Per previous comment 22, standard gutter pan may not be used within the required 8 ft width of handicap parking spaces. Revise the plan to show the extent of any revised gutter pan and revise the detail on Sheet C18 showing the intent of the modified CG-6. (P)
22. A copy of a letter has been provided that does not include a name or address of the person or persons to whom it was sent. Provide a list indicating this information and when sent. Certify that the information provided is as stated. (P)
23. For clarity to previous Comment 25, the planting noted is Type 11 (eleven) from the Village Of Midlothian Technical Manual. Add this information to the site plan and landscape plan. (P)
24. Per previous Comment 29, provide a fax number for the developer on site plan. (P)
25. A sign package and a cross parking agreement will be required for this project prior to release of any building permit. (P)
26. The revised site plans removed the walk system located within the interior of the project. The approved Master Plan indicates that walks will be provided throughout the project, including the interior area of the office compound. Although the walks do not need to be identical to the Master Plan or the first site plan submittal, revise the plan to include a walk system throughout the project including the interior of the office compound. (P)
27. The revised grading plan shows grading within the tree protection area for the large tree. Revise the grading so that the tree protection fence will not be disturbed during grading or construction. (P)
28. If the retaining wall detail will be included, provide a color sample of the material as part of the site plan submittal. Read Sec. 19-570.1. (P)
29. Comments for House Numbering must be fully addressed. (HN)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PR0181: In Midlothian Magisterial District, **BOGESE COMPANIES** requested site plan approval with a thirty-five (35) foot reduction to a fifty (50) foot buffer adjacent to the multifamily residential to the east. This project is commonly known as **BELVEDERE RETAIL CENTER**. This request lies in a Neighborhood Business (C-2) District on a 3.2 acre parcel fronting approximately 300 feet on the east line of Robious Road. Tax ID 741-714-3585 (Sheet 2).

Mr. David DeCou, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of a site plan, with a thirty-five (35) foot reduction to a fifty (50) foot buffer adjacent to the multi-family residential property to the east, for Case 07PR0181, Bogese Companies (Belvedere Retail Center), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Plans shall be submitted for administrative review and approval which accomplish the following staff review comments. (P)

REVIEW COMMENTS

1. Provide computations and revised design that shows adequacy of drainage outfall. (VDOT&EE)
2. Show the existing conditions along Robious Road including right of way and turn lanes. Dimension the right of way from the centerline of the road (i.e. not "variable width"). Label Robious Road as a county major arterial, which uses a VDOT urban minor arterial (50 mph) design. The ultimate right of way is forty-five (45) feet from the centerline of the road. Label the existing and ultimate right of way. Right of way dedication is required if the ultimate right of way is outside the existing right of way. (T)
3. A traffic signal may be warranted at the Belvedere Vista Lane/Robious Road intersection. This must be evaluated by VDOT. If a signal is warranted then it must be installed prior to occupancy of the site. A bond may also be required. (T)
4. Review does not indicate proper number and/or location of fire hydrants. The number of fire hydrants required shall be based on the International Fire Code - Section C105 and Table C105.1 for average spacing between fire hydrants and maximum distance from any point on a street or road frontage to a fire hydrant. A minimum distance of forty (40) feet shall be provided between fire hydrants and building exterior wall. Currently the plan indicates one (1) hydrant at the entrance to the site. Required spacing from Table C105.1 requires a hydrant be located a maximum of 225 feet from any point of the building around the access road. Provide additional hydrants as needed to meet this required spacing. (F)

5. Parking stalls or other obstructions, as indicated in the International Fire Code (2003) - Section 508.5.4, shall not be placed in front of the access, fire department sprinkler system connections. (F)
6. The current layout and design of the "dry" fire protection may not be acceptable. Contact Frank Kinner at 768-7961 for more information and possible required changes to the system. (F)
7. The sixteen (16) foot off site sewer easement must be recorded before site plan approval. (U)
8. Show a demarcation on the sewer line at the Belvedere Retail Center property line and label it "End of county ownership and maintenance". (U)
9. Show a six (6) inch gate valve north of the proposed six (6) by six (6) tee for the proposed fire hydrant. (U)
10. If the DCA is not going to be installed with this project, show a flushing hydrant at the end of the three (3) inch stub. (U)
11. Show the laterals that are to serve the building on the plans. (U)
12. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VSMP permit for construction sites of one (1) acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
13. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be Autocad.DWG or DXF, must be submitted to Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - a. Final grading contour lines (five (5) foot intervals);
 - b. Proposed building footprint;
 - c. All impervious area (parking lots, driveways, roads, etc); and
 - d. The storm sewer system.A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)
14. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a. Substantial or full site plan approval

- b. It is the responsibility of the owner to provide one (1) additional set of plans to the Environmental Engineering Department and obtain an "approved for construction" stamp on two (2) additional sets for the owner to keep on-site.
 - c. Erosion and sediment control bond/loc
 - d. A letter must be received from a qualified wetlands expert stating:
 - 1. There are no wetlands impacted on this project, or
 - 2. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted)
 - e. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the Department of Conservation and Recreation) must be submitted (sites of one (1) acre or more) (EE)
15. Location of street address sign is not shown. (The address can be part of your monument sign. This does not count as part of the square footage of the sign. If you are using the monument sign for the address, a detail of the monument sign needs to be on the site plan.) (HN)
16. If the site is on a through or corner lot and the street address sign will be visible from more than one (1) road, the street name should be included in the sign. (HN)
17. Specify the material that the address sign is to be made of. (Material to be more durable than wood) (HN)
18. A foot print floor plan must be submitted to house numbering so that addresses can be assigned. If you have any questions contact David Valleau at 748-1039 (HN)
19. Put a revision date on the resubmitted plans. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PS0250: In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested schematic plan approval. This development is commonly known as **SOMMERVILLE EAST**. This request lies in a Light Industrial (I-1) District on 16.30 acres fronting approximately 765 feet on the north line of Justice Road, also fronting approximately 796 feet on the south line of Justice Road approximately 2,140 feet east of the intersection of Justice and Otterdale Roads. Tax IDs 724-710-1160 and 1009 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that schematic plan approval for Case 07PS0250, Sommersville East (Katherman and Company), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. A double row of evergreen trees shall be planted next to all site improvements along the north and western portion of the site adjacent to the Michaux Creek subdivision and the BMP pond.
2. A six-foot tall solid board fence shall be provided adjacent to the westernmost drives and parking to screen headlights from the adjacent residences to the west.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PW0245: In Bermuda Magisterial District, **CHESTERFIELD TRADING COMPANY** requested modifications to development standards for screening of outside storage areas. This development is commonly known as **CHESTERFIELD TRADING COMPANY STORAGE**. This request lies in a General Business (C-5) District on 1.3 acres fronting approximately 140 feet on the north line of Galena Avenue approximately 575 feet east of Jefferson Davis Highway. Tax IDs 794-669-Part of 0608 and 3422 (Sheet 18).

Mr. Roger Habeck, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission found Case 07PW0245, Chesterfield Trading Company Storage (Chesterfield Trading Company), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-575 of the Zoning Ordinance requiring screening of outside storage areas, subject to the following conditions:

CONDITIONS

1. The screening fence shall provide an opaque visual barrier and be constructed of wood or vinyl with a color comparable to either the masonry block or the metal siding of the principal building located on parcel 794-669-0608.
2. The fence construction detail shall be revised to indicate, at a minimum, six (6) by six (6) posts spaced eight (8) feet on center with two (2) by six (6) top and bottom rails and one (1) by four (4) vertical boards. The posts shall be set in concrete footings three feet below grade.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

07TS0193: In Matoaca Magisterial District, **DARTMORE, LLC** requested tentative subdivision approval of ninety-six (96) single family residential lots and a waiver to Section 17-76(3)(a) to allow 161 lots on one (1)

residential collector access. This development is commonly known as **FOXFIELD**. This request lies in a Residential (R-15) District on an 88.76 acre parcel lying approximately 500 feet off the north line of Woolridge Road at the terminus of Swift Fox Drive. Tax IDs Part of 710-678-6092; Part of 711-678-6422; 711-679-6522; 712-677-3295; 712-679-2887; and 7285 (Sheet 15).

Mr. Feest presented an overview of the request and staff's recommendation for denial of the tentative request, as submitted, noting the applicant had not substantially justified any hardship other than financial for not complying with the Ordinance; approval of the request would permit 162 lots on one residential collector road having sole access to Woolridge Road, which exceeded the Ordinance requirement of a maximum 100 lots on a single residential collector access; the accessibility to and from the development in an emergency situation, should access be blocked, would be restricted thereby adversely affecting the health, safety and welfare of citizens within the development; and the applicant failed to provide any surety in the timing and development of a second improved access thereby permitting the development to meet Ordinance standards. He stated, however, should the Planning Commission elect to approve this request, staff recommended approval with the conditions and notes, as outlined in the "Request Analysis" and as amended by the Addendum.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation and addressed staff concerns relative to emergency and/or multiple accesses, noting the emergency access would be temporary and provide access for Fire and EMS services; that the temporary emergency access would be removed upon completion of the second improved access to Woolridge or Otterdale Roads; and that the development, constructed and marketed by known developers, would result in beneficial physical improvements for the community.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Bass, Assistant Fire Marshal John Jones stated staff did not support the provision of an emergency access to provide relief in case a sole access were to be blocked in an emergency and that staff believed a second improved access should be provided when lots in excess of 100 were recorded on any residential collector.

Mr. Bass stated he had been assured the emergency access would be litter-free and not used as a dump; that the access would be property gated and maintained; and that the developer would be providing the proper accesses to serve and benefit the community.

Mr. Litton expressed concerns relative to the dedication of an access easement, noting he would feel more comfortable with the request if the access easement were dedicated to the County.

Mr. Newcomb indicated the County did not have the resources to maintain emergency accesses.

In response to a question from Mr. Gecker, Mr. Scherzer confirmed maintenance of the temporary emergency access would be the responsibility of the developer until such time as a homeowner's association was established for Foxfield, Phase II.

In response to questions from the Commission, Ms. McGee indicated the County had no history of, and therefore did not accept, the dedication of temporary access easements as it did not have the resources to maintain them.

In response to Mr. Wilson's question as to why the request was before the Commission, Mr. Feest stated the County did not recognize emergency accesses as improved second public accesses; therefore, the total number of lots on this single collector would be 162; sixty-two (62) lots more than permitted by the Ordinance.

Mr. Bass made a motion to defer the request to further address concerns relative to the issue of temporary emergency accesses.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07TS0193, Dartmore, LLC (Foxfield Phase II), to the March 20, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07TS0211: In Clover Hill Magisterial District, **DAVID JEFFERSON** requested tentative subdivision approval of three (3) single family residential lots. This development is commonly known as **ASHLEY WOODS @ ELMCREST**. This request lies in a Residential (R-15) District on a 3.21 acre parcel lying approximately 3,000 feet off the west line of Courthouse Road, also approximately 573 feet north of Smoketree Drive. Tax IDs 742-702-Part of 1760 and 742-702-3633 (Sheet 6).

Mr. Feest presented an overview of the request and recommendation for denial of the tentative, as submitted, noting the tentative complied with all aspects of the Subdivision Ordinance with exception to relief of more than fifty (50) lots on a single local street and that the Fire Department consistently opposed access to more than fifty (50) lots on a single access, unless approved by the Board of Supervisors. He referenced the Addendum, noting that the Director of Environmental Engineering had determined an exception to the fifty (50) foot vegetative perimeter yard may be granted and the fifty (50) foot width could be reduced to twenty-five (25) feet; therefore, Condition 2, as outlined in the "Request Analysis," should be deleted; and additionally, Conditions 19 and 20, which were not applicable to the request, were inadvertently included and should be deleted. He stated staff continued to recommend denial; however, if the Planning Commission elected to approve the request, staff recommended that Conditions 2, 19 and 20 in the "Request Analysis and Recommendation" be deleted and that new Review Note "M" be added, as outlined in the Addendum.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, stating the applicant viewed the proposal as a simple solution to removing an existing "unwanted element" in the neighborhood (i.e., debris, drugs, youth gatherings; partying on the subject property, noise) and area residents supported the request as it provided additional surveillance of the lake and would deter trespassing and noise problems.

In response to a question from Mr. Wilson, Mr. Scherzer indicated Mr. Jefferson had provided notification to adjacent property owners and others concerning the proposal.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley stated the subject property was landlocked; he had discussed the issue with the Church; the proposal would resolve an untenable situation relative to trespass and noise pollution in the area; and a letter he received from the President of the Ashley Woods Homeowner's Association indicated the Association, as a whole, supported the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that approval of a tentative subdivision plat with three (3) lots that require an exception to Section 17-76 (h) of the Subdivision Ordinance regarding second street access requirements for lots in excess of fifty (50), for Case 07TS0211, David Jefferson (Ashley Woods at Elm Crest), shall be and it thereby was granted, subject to the following conditions and review notes:

CONDITIONS

1. The tentative shall be revised and resubmitted for administrative approval in order to address ordinance requirements as follows:
 - a. There is the indication of a twenty-five (25) foot vegetative perimeter yard. Please be advised that the Chesapeake Bay Preservation Ordinance requires a fifty (50) foot vegetative perimeter yard. Please address.
 - b. Please remove all storm sewer representations within the proposed right of way from the tentative plans. (VDOT)
2. Prior to recordation an improved access meeting VDOT Street Design Standards shall be provided to this development. (P)
3. Within thirty (30) days of approval of this tentative, an application shall be filed with the Planning Department to permit the parcel line modification of GPIN #742-702-1760 of which the remainder, to the extent possible, shall be combined with GPIN 741-702-9658. No recordation shall take place until this application is approved and recorded. (P)
4. The maximum density permitted within this development shall be a total of three (3) residential lots. (P)
5. The construction plans shall show the limits of clearing. (P)
6. The final check and record plat shall note the deed book and page(s) for the dedication of open space to Ashley Woods HOA as shown on the approved tentative. (P)
7. The final check and record plats shall note the existing ten (10) foot private access easement along the east line of the pond with the DB and PG. This being the area of open space along lots one (1) and two (2) on the approved tentative. (P)
8. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)

9. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
10. USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
11. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (Ashley Woods HOA). (EE)
12. Minimum finish floor elevations for lots 1 and 2 will be a minimum of one (1) foot above the top of the dam of the Ashley Woods SWM/BMP. (EE)
13. Unanticipated problems in the existing adjacent downstream developments which in the opinion of the Environmental Engineering Department, are caused by increases in storm water runoff or erosion from the project shall be the responsibility of the subdivider. (EE)
14. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
15. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)
16. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
17. Section 19-559 shall be complied with. Homeowners association with mandatory membership will be required. Ownership and maintenance responsibilities of the association shall be stated on all final check and record plats. The subdivider shall submit draft bylaws and covenants of the association to the Planning Department and County Attorney's office in conjunction with the final check plat. The subdivider shall also incorporate the association with the state corporation commission. The approved bylaws and covenants shall be recorded prior to or in conjunction with the record plat. The recordation information shall be shown on the record plat and each subsequent final check and record plat. The subdivider shall fund the first year operational expenses of the association. (P)

REVIEW NOTES

- A. The use of the public water and sewer system is required by ordinance. (U)

- B. It is the subdivider's responsibility to see that this proposed development complies with the Chesterfield County Fire Department's required fire flow of 1000gpm at 20 psi residual. (U)
- C. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- D. Any requirements of the subdivision ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- E. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- F. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- G. All roads are to be designed and constructed per current VDOT standards and specifications. (VDOT)
- H. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
- a. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 - b. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.
- Either option a or b may be used for each category of road at the preference of the developer.
- I. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

- J. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- K. MS-19 type analysis of the adequacy of ultimate outfall within state maintained right of way in the vicinity of Smoketree Drive shall be submitted with construction plans for proposed Elm Crest and Ashley Woods at Elm Crest subdivisions. (VDOT)
- L. Please revise location and coordinate the proposed cul-de-sac within the Ashley Woods at Elm Crest Subdivision with that same cul-de-sac right-of-way proposed in the construction plans prepared for the Elm Crest Subdivision. (VDOT)
- M. In response to the exception request of January 3, 2007, by F. Todd Chalmers, the Director of Environmental Engineering has granted an exception for a twenty-five (25)' reduction to the perimeter yard requirement around the Ashley Woods SWM/BMP. RPA designation for that portion of the property occupied by the 100 year flood plain shall mitigate for this exception. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

D. FIELD TRIP AND DINNER SELECTIONS.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at 4:00 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

Mr. Gecker, Chairman, called the Evening Session to order at 7:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. RESOLUTION HONORING JACK R. WILSON, III, BERMUDA DISTRICT PLANNING COMMISSIONER, FOR HIS SERVICE AS 2006 PLANNING COMMISSION CHAIRMAN.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission adopted the following resolution:

WHEREAS, Mr. Jack R. Wilson, III, Planning Commissioner representing the Bermuda Magisterial District, served as *Chairman of the Chesterfield County Planning Commission in 2006* and, having served as Chairman, has given freely of his time and commitment; and

WHEREAS, Mr. Wilson chaired the Planning Commission's Neo-Traditional Zoning District Committee to review the County Zoning Ordinance for the development of proposals to encourage new urbanism design in the County and guided the Commission toward endorsing several zoning proposals such as James Doran, Watermark Towne Center, Chesdin Development, Tascon Ironbridge and revisions to The Grove, all of which incorporate elements of new urbanism; and

WHEREAS, Mr. Wilson guided the Commission in the review and recommendation of various Ordinance Amendments to include permitted uses in the Manufactured/Mobile Home Subdivision (MH-2) District; multi-family and townhouse uses in commercial districts; setback requirements and residential uses in Ettrick Villages; Enterprise Subzone planning fee exemptions, thereby encouraging new development in the Jefferson Davis and Walthall Enterprise Zones; and set-backs and development standards in the Consolidated Eastern Area Plan area; and

WHEREAS, Mr. Wilson guided the Commission in the review and recommendation of various Plan and/or Policy Amendments to include the Residential Sidewalk Policy; Substantial Accord Policy; Planning Commission By-Laws; Planning Commission Suggested Practices and Procedures, Design Standards for Off-Street Parking; and Banners; and

WHEREAS, during his tenure, *Mr. Wilson* provided leadership and guided the Commission through the evaluation of a multitude of development proposals to include the proactive zoning for the Regional Employment Center of the Route 288 Plan, fostering new economic development in the northern portion of the County; Continental 184 Fund LLC, enhancing the Chesterfield Towne Regional Mixed Use Node; fostering preservation efforts by endorsing landmark designation for Miss Minor's Female Academy in Chester Village; supporting continued neighborhood revitalization efforts by supporting the Crossover Ministries Health Clinic in the Jefferson Davis Corridor; and supporting redevelopment in Chester Village.

NOW, THEREFORE, BE IT RESOLVED, that the *CHESTERFIELD COUNTY PLANNING COMMISSION*, on this *20th DAY OF FEBRUARY 2007*, does hereby recognize and applaud the

conscientious efforts, commitment to excellence and distinguished service displayed by its *2006 Chairman, MR. JACK R. WILSON, III.*

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to ***MR. WILSON*** and that this resolution be permanently recorded among the papers of the ***PLANNING COMMISSION OF CHESTERFIELD COUNTY.***

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Gecker presented the executed resolution and gavel plaque to Mr. Wilson. Members of the Commission expressed appreciation for Mr. Wilson's outstanding leadership, guidance and commitment as 2006 Chairman and recognized/applauded his conscientious efforts and commitment to excellence in his service to the County.

D. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were fifteen (15) cases scheduled on the March 20, 2007, agenda; thirteen (13) cases scheduled on the April 17, 2007, agenda; and one (1) case scheduled on the May 15, 2007, Planning Commission meeting agenda.

E. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

F. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

G. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. John H. Mitchell, Sr., a County resident, expressed concerns that County Policy allowed individuals to continue operating businesses in violation of the Zoning Ordinance while a zoning application was pending.

H. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

05SN0239: In Clover Hill Magisterial District, **THE CHEATHAM FAMILY LIMITED PARTNERSHIP** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 63.5 acres fronting approximately 550 feet on the north line of Hull Street Road, also fronting approximately

2,400 feet on the west line of Route 288 and located in the northwest quadrant of the intersection of these roads. Tax IDs 733-680-Part of 9439; 734-678-2276; and 734-681-0526 and 3904.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 05SN0239 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0239 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0141: In Bermuda Magisterial District, **ENON LLC** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 4.0 dwellings per acre or less. This request lies on 56.7 acres fronting approximately 330 feet on the east line of North Enon Church Road approximately 1,000 feet north of East Hundred Road, also fronting approximately 3,410 feet on the south line of the CSX Railroad. Tax IDs 824-648-6539 and 826-648-3681.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0141 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0141 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0157: In Matoaca Magisterial District, **OTTERDALE VENTURE, LLC** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3) of 107 acres with Conditional Use to permit multifamily residential use and to Residential Townhouse (R-TH) of seventy-one (71) acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 2.0 units per acre or less. This request lies on 178.0 acres fronting approximately 1,500 feet on the north line of Hull Street Road, also fronting in two (2) places for a total of approximately 3,500 feet on the west line of Otterdale Road and located in the northwest quadrant of the intersection of these roads. Tax ID 710-670-5596.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0157 to the April 17, 2007, Planning Commission public hearing, noting he felt a sixty (60) day deferral was sufficient time for review/evaluation of the traffic analysis.

In response to a question from the Commission, Mr. McCracken indicated deferral to the April 17, 2007, meeting was not sufficient time for staff to thoroughly review/evaluate the traffic analysis.

Mr. Bass stated, in addition to the applicant's request for a sixty (60) day deferral, he was inclined to add an additional sixty (60) day deferral, on the Commission's motion, as he did not feel that a sixty (60) day deferral was sufficient time for staff to thoroughly review/evaluate the traffic analysis.

Mr. Theobald stated he was not in a position to accept a 120 day deferral. He stated he had attempted to refine/submit the scope of the study in a timely manner and felt any concerns/issues could be resolved within sixty (60) days.

There was no opposition to the deferral.

The following motion was made at the applicant's and Mr. Bass' requests.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0157 for sixty (60) days at the applicant's request and thirty (30) days, on the Commission's motion, for a total of ninety (90) days, to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0210: In Bermuda Magisterial District, **RICHARD M. ALLEN** requested deferral to May 15, 2007, for consideration of amendment of Conditional Use Planned Development (Case 87S090) and amendment of zoning district map relative to hours of operation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Neighborhood Business (C-2) District on 12.2 acres fronting approximately 760 feet on the north line of Iron Bridge Road, also fronting approximately 720 feet on the east line of Chalkley Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 779-653-7767 and 780-654-Part of 0821.

Mr. Richard M. Allen, the applicant, requested deferral of Case 07SN0210 to the May 15, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment relative to the deferral.

Ms. Penny Kohl, an area resident, voiced opposition to the elimination of Condition 11 and expressed concerns relative to the potential for increased traffic, vandalism and crime.

There being no one else to speak to the deferral, Mr. Gecker closed the public comment.

The following motion was made at the applicant's request.

Mr. Wilson stated many people had contacted regarding the request and he felt meetings were needed to discuss the issues/concerns.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0210 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0219: In Matoaca Magisterial District, **LEE HALL PLAZA, INC.** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 6.7 acres fronting approximately 840 feet on the south line of Hull Street Road approximately 300 feet east of Otterdale Road. Tax IDs 713-669-3466 and 6673 and 714-669-0084.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral of Case 07SN0219 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0219 to the May 15, 2007, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0223: In Matoaca and Midlothian Magisterial Districts, **GBS HOLDING, LTD.** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 270.9 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) and Light Industrial (I-1) to Residential Townhouse (R-TH) of 1,124 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 1,394.9 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use, office/residential mixed use and residential use of 2.0 units per acre or less. This request lies on 1,394.9 acres fronting the east and west lines of Old Hundred Road at the Norfolk Southern Railroad; the north line of Old Hundred Road east of Otterdale Road; and the east and west lines of Otterdale Road north of Old Hundred Road. Tax IDs 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188 & 7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548 & 6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288 & 9506; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002.

Mr. David Anderson, the applicant's representative, requested deferral of Case 07SN0223 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

In response to a question from Mr. Bass, Mr. McCracken stated deferral to the April 17, 2007, meeting was not sufficient time for staff to thoroughly review/evaluate the traffic analysis.

Mr. Bass stated, in addition to the applicant's request for a sixty (60) day deferral, he was inclined to add an additional thirty (30) day deferral, on the Commission's motion, as he did not feel that a sixty (60) day deferral was sufficient time for staff to thoroughly review/evaluate the traffic analysis.

Mr. Gulley suggested, based on discussions at the Work Session regarding the status of the *Upper Swift Creek Plan*, a deferral longer than ninety (90) days may be more appropriate and realistic. He stated if the request were forwarded to the Board in its current posture, it was reasonable to expect the request would be remanded to the Commission and that the process would take more than 120 days.

In response to a question from Mr. Gecker, Mr. Anderson stated a 120 day deferral was not acceptable and summarized a history of the request, noting he felt any concerns/issues could be resolved within sixty (60) days.

There was no opposition to the deferral.

The following motion was made at the applicant's and Mr. Bass' requests.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0223 for sixty (60) days at the applicant's request and thirty (30) days, on the Commission's motion, for a total of ninety (90) days, to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0241: In Dale Magisterial District, **ROWE ASSOCIATES LTD.** requested deferral to May 15, 2007, for consideration of amendment to Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 1.0 acre fronting approximately 400 feet on the north line of Cogbill Road, also fronting approximately 150 feet on the west line of Ironstone Drive and located in the northwest quadrant of the intersection of these roads. Tax IDs 772-681-3493 and 4595; and 772-682-6002.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0241 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0241 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0242: In Dale Magisterial District, **ROWE ASSOCIATES, LTD.** requested deferral to May 15, 2007, for consideration of amendment of Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to setback and buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 7.0 acres fronting approximately 550 feet on the north line of Cogbill Road approximately 1,030 feet east of Ironstone Drive. Tax ID 774-682-1361.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0242 to the May 15, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment relative to the deferral.

Ms. Dana Vango, Mr. Eugene Vango, Mr. Frank Henrick, Ms. Valerie Perkins and Ms. Margie Williams, adjacent property owners and/or area residents, opposed the deferral and expressed concerns relative to the impact of drainage, floodplains and wetlands from the development on their properties.

There being no one else to speak to the deferral, Mr. Gecker closed the public comment.

Mr. Litton stated he had asked the applicant to defer the request so there could be community meetings scheduled with area residents to discuss their concerns.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0242 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PD0248: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested deferral to May 15, 2007, for consideration of Substantial Accord Determination and amendment of zoning district map to permit an expansion of the proposed Providence Park site. This request lies in an Agricultural (A) District on 10.0 acres fronting approximately 1,560 feet on the south line of Powhite Parkway at the western termini of Academy Drive. Tax ID 743-693-5361.

Mr. Mike Golden, the applicant's representative, requested deferral of Case 07PD0248 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 07PD0248 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0146: (Amended) In Midlothian Magisterial District, **WINTERVEST, LLC** requested deferral to March 20, 2007, for consideration of amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to uses and development requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 850 feet on the south line of the Norfolk Southern Railroad approximately 640 feet west of Winterfield Road. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 9121 and Part of 7661; and 725-709-1125.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0146 to the March 20, 2007, Planning Commission public hearing.

In response to Mr. Gecker's inquiry, Mr. Easter indicated his client preferred a deferral to the March 20th instead of the April 17th Planning Commission meeting.

There was no opposition to the deferral.

Mr. Gecker stated he did not feel the request could be finalized in thirty (30) days and, in addition to the applicant's request, he would add an additional thirty (30) days on the Commission's motion.

The following motion was made at the applicant's and Mr. Gecker's requests.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0146 for thirty (30) days at the applicant's request and for thirty (30) days on the Commission's motion, for a total of sixty (60) days, to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0159: In Matoaca Magisterial District, **JOHN G. "CHIP" DICKS** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre in a Residential Townhouse (R-TH) District is permitted. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use, single family residential use of 2.0 units per acre or less and conservation: passive recreation use. This request lies on 85.4 acres fronting approximately 460 feet on the south line of Hull Street Road across from Cosby Road. Tax IDs 717-669-2537 and 717-670-1030, 1751, 2877, 5998 and 8050.

Mr. Roger Bowers, the applicant's representative, requested deferral of Case 05SN0159 to the March 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0159 to the March 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0235: In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 05SN0235 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0235 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0156: In Dale Magisterial District, **G. H. COGBILL LIMITED COMPANY AND D. O. ALLEN HOMES** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit townhouses and multifamily residential uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 81.4 acres fronting approximately 540 feet on the west line of Beach Road approximately 500 feet south of Krause Road and also fronting 255 feet on the south line of Iron Bridge Road approximately 1,000 feet west of Beach Road. Tax IDs 769-661-5744; 769-662-7415; and 770-660-4296.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral of Case 06SN0156 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0156 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0313: In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

Mr. James Lauck, the applicant, requested deferral of Case 06SN0313 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0313 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0220: In Dale Magisterial District, **BROOKSTONE BUILDERS** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06SN0220 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0220 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0152: (Amended) In Matoaca Magisterial District, **PATRICIA H. PATTON AND MICHAEL AND MYRNA T. MCCAFFERY** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment

will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 12.5 acres fronting approximately 1,500 feet on the south line of Hull Street Road approximately 170 feet east of Mockingbird Lane. Tax ID 730-674-7150 and 731-674-2477.

Mr. William Shewmake, the applicant's representative, requested deferral of Case 07SN0152 to the March 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

Mr. Bass stated he did not feel the request could be finalized in thirty (30) days and, in addition to the applicant's request, he would add an additional thirty (30) days on the Commission's motion.

The following motion was made at the applicant's and Mr. Bass' requests.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0152 for thirty (30) days at the applicant's request and for thirty (30) days on the Commission's motion, for a total of sixty (60) days, to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0205: In Midlothian Magisterial District, **GOODE LAND COMPANY** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 2.1 acres fronting approximately 200 feet on the south line of Midlothian Turnpike, also fronting approximately 390 feet on the west line of Otterdale Woods Road and located in the southwest quadrant of the intersection of these roads. Tax ID 721-709-3240.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0205 to the April 17, 2007, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0205 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0143: In Midlothian Magisterial District, **J. B. BARNETT** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-7) to Agricultural (A) with Conditional Use to permit a contractor's shop and storage yard. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies on 0.7 acre and is known as 1224 Crowder Drive. Tax ID 729-708-2499.

Mr. J. B. Barnett, the applicant, requested deferral of Case 07SN0143 to the April 17, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment relative to the deferral.

Messrs. Peppy Jones, representing the Village of Midlothian Volunteer Coalition and Gordon Meyer, representing the Midlothian Development Committee, supported the deferral.

There being no one else to speak to the deferral, Mr. Gecker closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0143 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

06SN0215: In Matoaca Magisterial District, **W. V. MCCLURE INC. AND GEORGE BRYANT** requested rezoning and amendment of zoning district map from Agricultural (A) and Multifamily Residential (R-MF) to Community Business (C-3) of 69.9 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) to Multifamily Residential (R-MF) of 8.7 acres plus Conditional Use Planned Development on the entire 78.6 acres to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 78.6 acres fronting approximately 1,700 feet on the north line of Cosby Road; also fronting approximately 1,300 feet on the east line of Otterdale Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 712-670-4080; 712-671-8544; 713-671-1799, 2000, 2660, 4107 and 7682; and 713-672-Part of 1358.

Mr. John V. Cogbill, III, the applicant's representative, accepted the recommendation by Mr. Bass to defer Case 06SN0215 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0215 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0180: In Bermuda Magisterial District, **PAGE DEVELOPMENT CO.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property

is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 18.3 acres lying approximately 490 feet off the south line of Treely Road approximately 180 feet east of Eves Lane. Tax ID 791-637-Part of 7209.

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation by Mr. Wilson to defer Case 07SN0180 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07SN0180 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0227: In Clover Hill Magisterial District, **BRUCE M. GALLAGHER AND RONDA B. GALLAGHER** requested renewal of Conditional Use (Case 04SN0279) and amendment of zoning district map to permit a business (lawn care) incidental to a dwelling unit in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 2.3 acres and is known as 5710 Qualla Road. Tax ID 746-675-9350.

Ms. Ronda Gallagher, one of the applicants, accepted the recommendation by Mr. Gulley to defer Case 07SN0227 to the May 15, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment relative to the deferral.

Messrs. John Mitchell, Jr. and Jimmy Shelton, adjacent property owners and/or area residents, opposed the deferral, noting the applicants had been in violation of their zoning for over a year and they felt the request should be denied.

There being no one else to speak to the deferral, Mr. Gecker closed the public comment.

In response to a question from the Commission, Ms. McGee stated the applicants had been cited for the violation; however, the court case was in suspension while the request for a Conditional Use was being considered.

Mr. Gulley stated he felt deferral of the request was appropriate as the applicants were in the process of making a good faith effort to obtain an alternate site for relocating the business use.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0227 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0234: In Matoaca Magisterial District, **ROBERT SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Jim Theobald, the applicant's representative, did not accept Mr. Bass's recommendation for deferral to the May 15, 2007, Planning Commission public hearing and requested deferral to the March 20, 2007, public hearing.

There was no opposition to the deferral.

In response to a question from Mr. Bass, Ms. Rogers indicated a thirty (30) day deferral time frame was not sufficient to resolve outstanding issues/concerns.

Mr. Bass stated he also did not feel a thirty (30) day deferral was sufficient; however, he would recommend deferral for sixty (60) versus ninety (90) days.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0234 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Litton left the meeting at 8:10 p. m.

07SN0136: In Matoaca Magisterial District, **PRISTINE DEVELOPMENT LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 189 acres fronting in two (2) places for approximately 670 feet on the north line of Duval Road approximately 1,650 feet west of Otterdale Road. Tax IDs 704-678-Part of 4771 and 705-680-3057.

Mr. John Easter, the applicant's representative, presented a chronological history of the proposal, noting the applicant had done all he could to place the case in the best posture possible and did not understand the need for more than a thirty (30) day deferral. He stated he felt deferral to the March 20, 2007, Planning Commission public hearing was sufficient time to resolve any outstanding issues/concerns and did not accept Mr. Bass's recommendation for deferral to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

In response to a question from Mr. Bass, Mr. McCracken stated he had not had an opportunity to review any modifications submitted by the applicant and did not feel the applicant fully understood or agreed as to how to achieve the envisioned road improvements.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07SN0136 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

07SN0211: In Clover Hill Magisterial District, **KIDD AND CO., INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 13.3 acres fronting approximately twenty (20) feet on the southwest line of Hicks Road approximately 500 feet northwest of Dowd Lane, also lying off the north terminus of Elkview Drive. Tax IDs 756-692-3087 and 9186; 756-693-7609; and 756-692-Part of 2663.

Mr. Brennan Keene, the applicant/applicant's representative, accepted staff's recommendation and submitted written documentation amending Proffered Condition 8 relative to Restrictive Covenants.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton returned to the meeting at 8:24 p. m.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of the rezoning and waiver to the "Residential Subdivision Connectivity Policy requirements to allow sixty-two (62) lots off one access, subject to the following conditions and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Numbers 756-692-2663 (part of), 756-692-3087, 756-693-7609, 756-692-9186 (13.3 acres) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated December 14, 2006, revised January 23, 2007, shall be considered the Master Plan. (P)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Utilities. The public water and wastewater systems shall be used. (U)
4. Dedication. Within 120 days of approval of this request, forty-five (45) feet of right-of-way on the west side of Hicks Road, measured from the center-line of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Access. There shall be no direct vehicular access from the Property to Hicks Road. (T)
6. Density.
 - (a) The overall average lot sizes for any lots having sole access through Elkview Drive shall be 14,320 square feet.
 - (b) Lots shall not exceed a density of 2.5 dwelling units per acre for any lots having sole access through Elkview Drive.
 - (c) Development shall be limited to a maximum of twenty-five (25) lots. (P)
7. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
8. Restrictive Covenants. The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat:

BEXLEY SECTION XVII
Chesterfield County, Virginia

Restrictive Covenants

This declaration of restrictions, covenants, and conditions is made and executed this ____ day of _____, 2007, by Kidd and Co., Inc. (the Owner).

Recitals

- A. The owner is the fee simple owner of certain real property located in Chesterfield County, Virginia, as shown on Exhibit A attached hereto and made a part hereof, and it is its desire to provide for the orderly development of a residential community thereon.
- B. The Owner desires to subject the Property to the covenants and restrictions as hereinafter set forth for the benefit of the Property and each owner of a portion thereof.

Now, therefore, the Owner hereby declares the Property is and shall be held, transferred, sold, conveyed, occupied, and used subject to the covenants, conditions, and restrictions hereinafter set forth, such covenants, conditions, and restrictions to run with, bind and burden the Property for and during the period of time hereinafter specified.

- A. **Additions to the Property by Owner** As long as the Owner owns any real property in the general area of the Property described in Exhibit A hereto, the Owner may submit additional real property to the provisions of this Declaration by filing a supplement hereto in the appropriate Clerk's Office.
- B. **Architectural Control Committee**
 - 1. No building, structure, outbuilding, fence, wall, or improvement of any nature whatsoever (except for interior alterations to existing structures not affecting the external structure or appearance of any improvement on any portion of the Property) shall be constructed or modified on the Property unless and until the plans for such construction shall have been approved in writing by the Architectural Control Committee (the Committee). The plans submitted to the Committee for approval shall include:
 - a. The construction plans and specifications and related drawings, and
 - b. A plat showing the location of all proposed improvements.
 - 2. No plans for a primary dwelling to be constructed on the Property shall be submitted for such approval unless the living area of such dwelling, exclusive of open porches, attics, basement, and garages shall exceed 1800 square feet for one story residences, and 2000 square feet for two story residences; provided, however, that this provision may be waived in writing by the Committee. No plans for a primary dwelling to be constructed on the Property that is immediately adjacent to and abutting Lots 1, 2, 3, and 4 of Bexley, Resub Portion of Section 7 shall be submitted for such approval unless the living area of such dwelling, exclusive of open porches, attics, basement, and garages shall exceed 2,000 square feet for one story residences, and 2,200 square feet for two story residences; provided, however, that this provision may be waived in writing by the Committee. No more than five (5) primary dwellings may be constructed on the Property which touch Lots 1, 2, 3, and 4 of Bexley Resub Portion of Section 7. All garages shall be side loading or rear loading.

3. Approval by the Committee shall be based upon compliance with the provisions of this Declaration, the quality of workmanship, and the materials, harmony of external design with surrounding structures, location of improvements with respect to topography and finished grade elevation, the effect of the construction of the outlook from surrounding portions of the Property, color schemes and all other factors which in the reasonable opinion of the Committee will affect the desirability or suitability of the proposed improvements in relation to the aesthetic quality of the Property.

4. Approval or disapproval of each application to the Committee shall be given to the applicant in writing within fourteen (14) days of receipt of a complete set of plans and application. In the event the approval or disapproval is not forthcoming within fourteen (14) days, unless an extension is agreed to by the applicant in writing, the application shall be deemed approved, and the construction of the applied for improvements may be commenced, provide that all such construction is in accordance with the submitted plans and provided, further, that such plans conform in all respects to the other terms and provisions of this Declaration.

If the Committee disapproves an application, the applicant may appeal to the Bexley Association Board of Directors (BABD), also known as The Bexley Homeowners Association. The BABD shall approve or disapprove the application within fourteen (14) days of receipt of a complete set of plans and application. In the event the approval or disapproval is not forthcoming within fourteen (14) days, unless an extension is agreed to by the applicant in writing, the application will be deemed approved, and the construction of the applied for improvements may be commenced, provided that all such construction is in accordance with the submitted plans and provided further, that such plans conform in all respects to the other terms and provisions of this Declaration.

5. Approval by the Committee shall not constitute a basis for liability of the members of the Committee, the Committee, or the Owner for any reason, including with the limitation (a) failure of the plans to conform to any applicable building codes or (b) inadequacy or deficiency in the plans resulting in defects in the improvements.

6. The Committee shall be composed of three individuals appointed by BABD also know as The Bexley Homeowners Association. These members may be removed by the BABD with or without cause, and all successors shall be appointed by the BABD as stated above, as long as the Owner has an ownership interest in the Property and thereafter, as the owners of portions of the Property shall determine among themselves. The committee members shall not be entitled to any compensation for their activities hereunder. The committee may designate a representative to act in its behalf, who need not be a member of the Committee, and such representative shall not be entitled to compensation for his activities hereunder.

7. The authority of the Committee hereunder, its procedures and make-up, may be modified or abrogated by covenants and guidelines followed by the BABD which has the sole authority to change the ACC standards and guidelines.

C. **Restrictions**

1. No lot shown on a plat of the subdivision of the Property (lot) shall be used except for residential purposes, and for purposes incidental thereto, except for model homes utilized by builders. Only one residence shall be constructed on a lot; provided, however, that suitable outbuildings and other improvements of the same construction and exterior siding as the main residence may be constructed, if approved by the Committee as hereinbefore provided.

2. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the lot for sale, or signs used by a builder to advertise the lot during the construction and sales period.

3. No trailer, tent, shack, garage, barn, or other outbuildings erected on any lot shall at any time be used as a residence, temporarily or permanently, and no structure of a temporary character be used as residence.

4. No trailer, camper, recreational vehicle, or boat having a height of five feet or more or truck having a height of seven feet or more shall be parked on the street in front of any residence. Trailers, campers, recreational vehicles, boats, or trucks of this nature shall not be parked over twelve hours in any one week on any lot, including any driveway, so as to be visible from any street or other portion of the Property.

5. No motor vehicle shall be parked for more than twelve hours in any one week on any lot without having a current Virginia or other state license tag.

6. Each primary dwelling shall have a roof which consists of a 40 year dimensional asphalt shingle. Other roof material may be approved at the discretion of the Architectural Control Committee.

7. All driveways shall consist of exposed aggregate concrete, asphalt, or masonry pavement.

8. All mailboxes shall be identical in design and provided by the owner to the original purchaser of any lot and shall remain with the lot when such lot is resold.

9. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, and other household pets may be kept, provided (a) they are not raised, bred, or kept for commercial purposes and (b) they shall not become an annoyance or nuisance to other lot owners.

10. No obnoxious or offensive activity shall be carried on or allowed upon any portion of the Property, nor shall anything be done thereon that may be or become a nuisance or annoyance.

11. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste and shall not be kept except in sanitary containers maintained in a neat and orderly manner. Equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition in rear yards only.

12. No lot may be subdivided, altered, or modified, except as provided on the subdivision plat(s) recorded and to be recorded in connection with the development of the Property, provided, however, that the Owner, with the approval of the Committee, shall have the right to re-subdivide, alter, modify, or vacate any subdivision plat, as long as no lot shown thereon has been conveyed by the Owners.

13. Each lot shall be maintained free of tall grass, undergrowth, dead trees, weeds, and trash, and generally free of any condition that should decrease the attractiveness of the Property.

14. No lot shall be cleared of trees or defoliated in such a manner as to decrease the attractiveness of the Property.

15. Exterior construction of each dwelling on a lot shall be completed within one year after the commencement thereof.

16. To the extent permitted by law, no exterior radio or television antenna or satellite dish shall be erected on any lot without the Committee's approval.

17. All utility lines shall be buried with the exception of that part of the utility line which normally is located above ground.

18. No lot shall contain or have on it an above-ground swimming pool.
19. The house numbers on the mail box posts will be designed and applied as the Architectural Committee so specifies.
20. A distinctive architectural post lamp will be provided to the original purchaser of any lot and shall be maintained and used continuously for its intended purpose and shall remain with the lot when such lot is resold.
21. Sidewalks will be exposed aggregate concrete, brick, or other masonry products approved by the Committee. No smooth concrete surfaces will be allowed on any exterior areas, except garage aprons.
22. Service yards incorporating heating and air conditioning equipment and trash areas must be approved, properly located, and screened.
23. Front yard setbacks shall be a minimum of 35 feet in depth. Rear yard setbacks shall be a minimum of 25 feet in depth. Side yard setbacks shall be a minimum of 7.5 feet in width.
24. Some homes shall share common driveways. Such driveways shall only be used for ingress and egress or other uses for such driveways as described on the face of the plat. Cars cannot be parked in the common driveway and the driveways are not a recreational area and shall not be used as a sport court or playground. No activity shall be conducted in this area which unreasonably interferes with the right of other property owners to enjoy their homes.
- If it becomes necessary to repair common driveways, the owners who use the driveway shall make repairs and adjacent owners utilizing the common driveway shall each bear an equal share of the repairs expenses. If homeowners fail to make timely repairs to driveways, the ACC will determine if the repairs are necessary, give the owners notice of the need to make repairs, and make such repairs and assess the property owners equally for repair costs.
25. No homeowner or resident shall be allowed to rent or sub lease any rooms or portion of the residents. This does not prevent the home owner from renting entire home but does prevent the owner or resident from renting a portion of the home.

THE BEXLEY SECTION XVII HOMEOWNER'S ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

Section 1 - Every Owner of a lot shall be a member of the Association. Membership shall be appurtenant to, and may not be separated from, ownership of any lot. The association may incorporate or operate as an unincorporated association.

Section 2 - The Association shall have one class of voting membership:

Class A. Class A members shall be all Owners and shall be entitled to one vote for each lot owned so long as association dues are paid. When more than one person holds an interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they, among themselves, determine, but in no event shall more than one vote be cast with respect to any lot.

COVENANTS FOR MAINTENANCE ASSESSMENTS

Section 1- Creation of the Lien and Personal Obligation of Assessments

Each lot owner, when a residence has been constructed thereon, hereby covenants by the acceptance and recording of the deed to pay to the Association:

1. Annual assessments or charges, and
2. Special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property, against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation of delinquent assessment shall pass to his successors in title.

Section 2 - Purpose of Assessments

The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the properties and for the improvement and maintenance of the Common Area, easements, and appearance of the subdivision. All Class A members may use the common areas, as provided by the rules adopted by the Homeowners' Association.

The Association shall pay any real and personal property taxes and other charges assessed against the Common Area.

The Association shall maintain adequate liability insurance.

Section 3 - Maximum Annual Assessment

Until January 1st of the year immediately following the conveyance of the first lot to an Owner for a residence, the annual assessment shall be one hundred seventy five dollars \$175.00 or as may be changed by the BABD per lot, which has a completed residence thereon, payable on by the 3rd Friday in February each year.

- (a) From and after January 1st of the year immediately following the conveyance of the first lot to an Owner/Resident, the maximum annual assessment may be increased each year, not more than 20% above the maximum assessment for the previous year.
- (b) From and after January 1st of the year immediately following the conveyance of the first lot to an Owner/Resident, the maximum annual assessment may be increased above 20% for a vote of **greater than 50%** entitled votes of all the votes of each class of members, who are voting in person or by proxy, at a meeting duly called for this purpose.
- (c) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 4 - Special Assessments for Capital Improvements

In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement, to include easements, improvements, and Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of a majority of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 5 – Notice and Quorum for Any Action Authorized Under Sections 3 and 4

Written notice of any meeting called for the purpose of taking any action authorized under Section 3 or 4 shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast greater than 50% of all the votes of each class of membership shall constitute a quorum. If the required

quorum is not present, another meeting may be called subject to the same notice requirements, and the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 6 – Uniform Rate of Assessment

Both annual and special assessments must be fixed at a uniform rate for all lots with a residence thereon and will be payable by the 3rd Friday in February each year. A late charge of 20% of each assessment (whether annual or special) shall be levied, if not paid within thirty (30) days from date due.

Section 7 – Date of Commencement of Annual Assessments: Due Dates

The annual assessments provided for herein shall commence as to each lot when a residence is constructed thereon. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The association shall fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates may be changed by a majority vote of the Association members.

Section 8 – Effect of Non-payment of Assessments: Remedies of the Association

Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of 10% per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessment provided for herein by non-use of the Common Area or abandonment of his lot.

Section 9 – Subordination of the Lien to Mortgages

The lien of the assessment provided for herein shall be subordinate to the lien of any mortgage. Sale or transfer of any lot shall not affect the assessment lien. However, the sale or transfer of any lot, pursuant to foreclosure, on a mortgage or any proceeding in lien thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof. Notwithstanding, any other provision to the contrary, any assessments, charges, and costs of the maintenance of the Common Areas and easement improvements shall constitute a pro-rata lien upon the individual lots, inferior in lien and dignity only to taxes and bona fide duly-recorded deeds of trust on each lot. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0217: In Midlothian Magisterial District, **ROSALINDA RIVERA** requested Conditional Use and amendment of zoning district map to permit a child day care facility in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre. This request lies on 17.3 acres fronting approximately 530 feet on the east line of Turner Road approximately 530 feet north of Elhardt Road. Tax IDs 763-702-4963-00001 and 00002, 4989-00001 and 00002, 5145-00001 and 00002 and 5354-00001 and 00002.

Ms. Rosalinda Rivera, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0217 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The child day care use shall be conducted only in association with church use on the property. (P)
2. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for child day care use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas. (P)
3. Outdoor playfields, playgrounds or similar active recreational areas associated with any child care use shall be set back a minimum of forty (40) feet from all property lines. (P)

(NOTE: These conditions would not apply to any permitted use, such as a church, on the property.)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0218: In Matoaca Magisterial District, **DEMPSEY L. BRADLEY, JR. AND SUSAN T. BRADLEY** requested renewal of Conditional Use (Case 04SN0268) and amendment of zoning district map to permit a business (HVAC) incidental to a dwelling unit in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 5.4 acres and is known as 9823 Woodpecker Road. Tax ID 756-645-2919.

Mr. Dempsey Bradley, Jr., one of the applicants, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Gabe Hicks and Ms. Joan Hicks, adjacent property owners, opposed the request, questioning why the business would be allowed to continue in a residential area and citing concerns that the business had increased substantially and was disruptive to the neighborhood quality of life.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass stated the applicants had contracted to purchase property at the County Airport and intended to relocate their business within the next twelve (12) months.

In response to questions from Mr. Bass, Mr. Bradley indicated staff had recommended a timeframe of twenty-four (24) months to relocate the business; however, he was agreeable to requesting twelve (12) months.

Mr. Litton expressed concerns that twelve (12) months was not sufficient time for the applicants to contract property and accomplish the relocation process; that he felt eighteen (18) months was a more suitable timeframe.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0218 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Dempsey L. Bradley, Jr. and Susan T. Bradley, exclusively, and shall not be transferable or run with the land. (P)
2. The business shall be located within the existing detached garage. There shall be no further additions or expansions to the existing building to accommodate this use. (P)
3. There shall be no outside storage permitted. (P)
4. The contractor's office and warehouse shall be permitted for a maximum of twelve (12) months from the date of approval of this request. (P)
5. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0226: In Dale Magisterial District, **ROUTE 10 REALTY PARTNERS, LLC** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3) with Conditional Use to permit townhouse and multifamily residential uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses and residential use of 1.0-2.5 dwelling units per acre. This request lies on 11.1 acres fronting approximately 100 feet at the southwest terminus of Hill Road approximately 1,800 feet southwest of Canasta Drive. Tax IDs 771-678-5933, 6655, 7473, 8014, 8391, 8724 and 9133; and 772-678-0748, 0858 and 1565.

Mr. Wilson stated his firm represented the applicant in matters other than zoning, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at 8:37 p. m.

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Two (2) residents of Hill Road opposed the request, citing concerns relative to increased traffic volumes, cut-through traffic, substandard road conditions, density, dwelling unit sizes, drainage and devaluation of property.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to a request from Mr. Gecker, Mr. Clay presented an overview of the request and staff's recommendation for approval.

Mr. Cogbill addressed the previously expressed concerns, noting the proffered conditions precluded adverse impacts/provided improvements relative to density, access, wetlands, increased volumes of traffic, cut-through traffic and connectivity.

In response to a question from Mr. Litton, Mr. McCracken stated a portion of Hill Road was included in the State Secondary System.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0226 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 771-678-5933, 771-678-6655, 771-678-7473, 771-678-8014, 771-678-8391, 771-678-8724, 771-678-9133, 771-678-9443, 772-678-0748, 772-678-0858, and 772-678-1565 (the "Property or the Hartman Tract") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The textual statement dated February 9, 2007 shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for model homes/sales offices not in permanent dwellings and/or construction offices. (U)
3. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Density. The maximum number of dwelling units developed on the Property shall be 90. (P)
5. Location of Uses. Any permitted use may be permitted within the same block, street, or section of street in order to facilitate the mixed-use nature of the development. Limitations to this provision are set out in the Textual Statement. (P)
6. Connectivity. There shall be no connection to Hill Road and Old Zion Hill Road from the Property. (T and P)

7. Lighting.

- A. Except for decorative lighting attached to a building, the maximum height of lampposts shall be 30 feet. Exterior lighting shall meet the requirements of the Zoning Ordinance except that porch lights, lamps, decorative, and period lighting that is in keeping with the pedestrian oriented character of Watermark shall be permitted.
- B. Streetlight fixtures, poles, and lamp types shall be consistent along a street. The selected streetlight shall be compatible with the pedestrian oriented character of Watermark. The exact type of streetlight(s) and the locations shall be determined at the time of site plan review. (P)

8. Open Space. Within the Property, a minimum of 15 percent of the gross acreage shall be devoted to open space. (P)

9. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (P&B&M)

10. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 9 shall be noted on the site plan or subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P&B&M)

11. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of any residential building permit for infrastructure improvements within the service district for the Property:

- A. \$15,600.00 per dwelling unit if paid prior to July 1, 2007. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
- B. Provided, however, that if any residential building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,269.00 per unit to the County of Chesterfield, prior to the time of issuance of a residential building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2007. The \$10,269.00 for any units developed shall be allocated pro-rata among the facility costs as follows: \$602 for parks, \$348 for library facilities, \$404 for fire stations, and \$8,915 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$10,269 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index

between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

12. Access. There shall be no direct access vehicular access from the property to Hill Road or Old Zion Hill Road. (T)

13. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County in conjunction with recordation of the initial subdivision plat or prior to the first site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first:

- A. Right of way required to construct a cul-de-sac at the existing terminus of Hill Road. (T)

14. Covenants. At a minimum, the restrictive covenants shall contain language that addresses the following. Such covenant shall remain in place as long as the Property is used for residential purposes.

Future homeowners of the lots or units within the Property will have notice of the location of the Chesterfield County Airport and its proximity to the Property. Any subdivision plat or location plan used in any condominium documents shall note the location of the Airport and its proximity to the Property. (P)

15. Public Roads. In tracts with townhouse and condominium uses, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and as set forth in the Textual Statement, and taken into the State System. (T)

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT Mr. Wilson.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy requirements to Hill Road and Old Zion Hill Road.

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT Mr. Wilson.

Mr. Wilson returned to the meeting at 8:52 p. m.

07SN0230: In Bermuda Magisterial District, **DAVID L. AND JACALYN M. ATKINSON** requested rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3). The density of such

amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 18.2 acres fronting approximately 840 feet on the east line of Old Stage Road approximately 2,100 feet north of West Hundred Road. Tax IDs 803-656-4879 and 804-657-4017.

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0230 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and approved devices have been installed. (EE)
3. Direct vehicular access from the property to Old Stage Road shall be limited to either one (1) private driveway or (1) public road. The exact location of this public road shall be approved by the Transportation Department. (T)
4. Prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way along Old Stage Road immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. The developer shall be responsible for construction of additional pavement along Old Stage Road at the approved access to provide right and left turn lanes, based on Transportation Department standards. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department. (T)
6. Any development to the east of the existing power lines shall have only one drainage outlet along said property into the James River. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0202: In Clover Hill Magisterial District, **GOOD NEWS FREE WILL BAPTIST CHURCH** requested Conditional Use and amendment of zoning district map to permit a private school and child care center use in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 4.7 acres and is known as 5200 Courthouse Road. Tax ID 748-679-9519.

Mr. Glenn Johnson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0202, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for school and child care center use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. There shall be no active playfields, courts or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc. (P)
3. Except as specified in Proffered Condition 2, any playground areas shall be located a minimum of forty (40) feet from all property lines. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522 (a)(1) of the Zoning Ordinance. (P)
4. There shall be no direct vehicular access from the property to Genlou Road. (P)

PROFFERED CONDITIONS

1. Prior to operation of the private school or child care center uses, a minimum six (6) foot high solid board fence shall be installed along the southern property line adjacent to property identified as Tax IDs 748-678-7484 and 749-679-0100, beginning at a point approximately 500 feet west of Courthouse Road and ending at a point approximately 400 feet westward of the beginning point. Prior to the installation of the fence a plan depicting the exact location and design of the fence shall be submitted to the Planning Department for review and approval. (P)
2. All driveways, parking areas and playgrounds shall be located a minimum of Seventy-five (75) feet from the western property line unless the fence described in Proffered Condition 1 is extended westward an equal distance to the improvements described above. (P)
3. Any childcare or private school uses shall be conducted only in association with a church use on the property. (T)
4. Direct vehicular access from the property to Courthouse Road shall be limited to the one (1) existing driveway located approximately 200 feet north of Qualla Road. This driveway shall be limited to exiting traffic only. The developer shall install signage, approved by

Transportation Department, to discourage vehicles from using this driveway as an entrance. (T)

5. Prior to a cumulative enrollment of more than forty (40) students in the private school and day care, additional pavement shall be constructed along Courthouse Road to provide a southbound right turn lane at the existing access to the north that serves the property. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

07SN0212: In Matoaca Magisterial District, **ASC LAND CORPORATION** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) unit per acre or less. This request lies on 3.5 acres lying approximately 900 feet off the east line of Hampton Avenue approximately 350 feet north of Fox Maple Terrace. Tax IDs 783-611-6391 and 7483.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Matoaca Village Plan and approval of the request could set a precedent for higher density development, jeopardizing the rural character that the Plan proposes to maintain in promoting the Matoaca Village as a visually distinct and historic community. She noted the applicant had withdrawn Proffered Condition 1 which was addressed by the Ordinance.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation and distributed an exhibit depicting the proposal, noting he viewed the request as a common sense case that would not set a precedent for similar future requests and offered the case for approval, as presented.

Mr. Gecker opened the discussion for public comment.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, expressed concerns that the proposal did not comply with the *Matoaca Village Plan*, noting there was substantial community input into the *Plan* and asked that it remain intact.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 07SN0212.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

NAY: Mr. Litton.

07SN0232: In Midlothian Magisterial District, **FIRST CITIZENS BANK** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Neighborhood Business (C-2) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or

Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district uses. This request lies on 2.8 acres fronting approximately 280 feet on the south line of Midlothian Turnpike, also fronting approximately 520 feet on the west line of North Woolridge Road and located in the southwest quadrant of the intersection of these roads. Tax ID 732-707-0433.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning but denial of the Conditional Use Planned Development to permit exceptions to Ordinance requirements, noting the proposed setback exceptions for parking and drives along major arterials would result in an interruption in the established development pattern and visual transition from the typical suburban automobile-oriented development of the Village Fringe to Core of Midlothian and could set a precedent for other businesses to seek similar exceptions.

Mr. William Shewmake, the applicant's representative, did not accept staff's recommendation relative to the request to permit exceptions to the Ordinance requirements; presented an overview of the proposal; noted the Village of Midlothian Volunteer Coalition membership supported and embraced the vision of the request; and asked the Commission to forward a recommendation of approval for the Board's consideration.

Mr. Gecker opened the discussion for public comment.

Messrs. Gordon Meyer and Peppy Jones, members of the Midlothian Development Committee and Village of Midlothian Volunteer Coalition, respectively, supported the request, indicating the design enhanced the village atmosphere and achieved the Village vision.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of the rezoning and the Conditional Use Planned Development to permit exceptions to the Ordinance requirements for Case 07SN0232 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Textual Statement dated January 23, 2007 and the Plan prepared by Kimley-Horn and Associates, Inc. attached as Exhibit A shall be considered the Master Plan. The orientation of the building and any bank drive-through lanes shall substantially conform to the Master Plan. (P)
2. The public water and wastewater systems shall be used. (U)
3. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead and diseased trees, there shall be no timbering until a land disturbance permit has been obtained from Environmental Engineering and the approved measures installed. Furthermore, burning shall not be used to clear or timber the Property. (EE)
4. A geotechnical report prepared by a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts, shall be submitted to the Environmental

Engineering Department in conjunction with any site plan submission. Upon review by Environmental Engineering, or their designee, the report may either be accepted or revisions requested and, if revisions are requested, resubmitted in the same manner for review and acceptance by Environmental Engineering, or their designee. The report shall include, but not be limited to, the following:

- a. The location and analysis to include, but not be limited to, type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of any mining pits or tailing heaps;
- b. Fill-in/reclamation procedures; setbacks between the perimeter of any shaft; and any other safety measures intended to protect the health, safety and welfare of people and structures;
- c. The impact of any horizontal shafts on construction and future health, safety and welfare issues;
- d. The location and number of soil borings and depth necessary to confirm that the building site is not impacted by any horizontal shafts; and
- e. The allowable building envelopes and location based on the geotechnical recommendations.

Development shall comply with the recommendations of the accepted report. (EE)

5. All former mining activity shall be filled in/reclaimed under the direction of a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts. All reclamation shall be observed by the geotechnical expert and shall be certified as to compliance with the recommendations established in the accepted report. Prior to the release of any building permit, a copy of the certification shall be submitted to Environmental Engineering. (EE)
6. At the time of site plan review and approval, conditions may be imposed to address any identified impacts outlined in the report referenced in Proffered Condition 4. Any found mining pits or tailing heaps and the allowable building envelopes as established by the report outlined in Proffered Condition 4 shall be shown on the site plan. The site plan shall include a statement that the only pits found on the site are those shown on the site plan. For those sites where there is no found mining pits or tailing heaps, the report outlined in Proffered Condition 4 shall confirm that such information is not necessary. (EE)
7. The uses permitted on the Property shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) and Corporate Office (O-2) Districts. (P)
8. The developer shall be responsible for notifying by registered, certified or first class mail, the last known representative on file with the Planning Department of the Volunteer Village Coalition of Midlothian of any site plan. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide a copy of the notification letter(s) to the Planning Department. (P)

9. Provided the monthly electric service is paid through the street light program, the developer shall be responsible for installation of decorative street lighting similar in design to the light fixture specified in The Midlothian Village Technical Manual shall be provided along all public roads adjacent to the site. Spacing shall be approximately seventy-five (75) feet on center. All on-site freestanding street light fixtures shall be compatible with the aforementioned street lights. (P)
10. Landscaping shall substantially conform to the Landscaping Plan attached as Exhibit B. Any material deviation from Exhibit B shall be submitted to and approved by the Planning Commission at time of site plan review. Landscaping located between any public road and fence or wall shall be irrigated. (P)
11. The architectural style of any building shall be classical revival and shall be generally consistent with Exhibit C. Provided further, the high-pitched roof of any building shall be slate and the exterior walls of the building shall be constructed predominantly of brick. (P)
12. A decorative metal fence, with a brick wall generally located at the intersection of Midlothian Turnpike and North Woolridge Road as shown on Exhibit A, shall be constructed along Midlothian Turnpike and North Woolridge Road on the Property from the Property's access to Midlothian Turnpike to the Property's access to North Woolridge Road. Any wall shall not exceed four (4) feet in height and shall be constructed with a gate. The fence and wall shall have brick piers with concrete caps. (P)
13. Direct access from the Property to Route 60 shall be limited to one (1) entrance/exit, generally located at the western property line. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of this access with adjacent parcels to the west. (T)
14. Direct access from the Property to North Woolridge Road shall be limited to one (1) entrance/exit and shall be generally at or near the southern property line. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, access easements, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of these accesses with adjacent parcels. (T)
15. Prior to the issuance of any certificates of occupancy, the developer shall construct additional pavement along the southbound lanes of North Woolridge Road to provide a right turn lane at the approved access and dedicate any additional right-of-way (or easements) required for these improvements to Chesterfield County, free and unrestricted. (T)
16. With the exception of bank uses and uses permitted by right or with restrictions in the Corporate Office (O-2) District, no use shall be open to the public between 12 midnight and 6:00 a.m. (P)

17. Sidewalks with a minimum width of five (5) feet shall be provided along Midlothian Turnpike and North Woolridge Road. Along Midlothian Turnpike there shall be a minimum five (5) foot wide grassy strip between the back of curb and the sidewalk. A similar minimum five (5) foot grassy strip from the back of curb to the sidewalk shall likewise be provided along North Woolridge Road from Midlothian Turnpike south to the Property's access to North Woolridge Road. Location of sidewalks along Midlothian Turnpike and North Woolridge Road shall be consistent with the Master Plan. (T and P)
18. At least one (1) brick patio containing fifty (50) square feet shall be constructed adjacent to any Bank building on the Property. Provided, however, landscaping beds may be interspersed within the patio(s). (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0199: In Midlothian Magisterial District, **BETHLEHEM BAPTIST CHURCH** requested Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and office uses. This request lies in an Agricultural (A) District on 4.1 acres and is known as 9600 Midlothian Turnpike. Tax ID 751-708-Part of 7821.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed computer-controlled, variable message, electronic sign did not conform to the adopted Electronic Message Center Policy for such signs relative to spacing and the requested exception to the Policy could set a precedent for similar requests.

Ms. Kimberly Sanchez, the applicant's representative, did not accept staff's recommendation, noting the request was to make the public more aware of the church's presence and its activities.

Mr. Gecker opened the discussion for public comment.

No one came forward to speak in opposition to the request.

Messrs. Allen Kidd and John Payne, members of the Bethlehem Baptist Church, voiced support for the request, noting that the church needed to be more visible and approval of the sign would allow the church to better notify the public of church activities.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0199 and acceptance of the following proffered condition:

PROFFERED CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- c. The copy display color shall either be white or yellow;
- d. Flashing and traveling messages shall be prohibited; and
- e. Bijou lighting and animation effects shall be prohibited. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

I. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. Peppy Jones, a Midlothian District resident, presented pictures to the Commission depicting signs as well as vehicles at automobile dealerships placed illegally in easements and other locations along Midlothian Turnpike. He asked that consideration be given to stricter enforcement and substantial fines for these violations.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, expressed concerns relative to the condition of Otterdale and Woolridge Roads and asked the Commission to be sensitive to approving zoning cases in this area until such time as there was a commitment about what could be done to improve the condition of the roads and safety in the area.

J. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the meeting adjourned at 9:30 p. m. to March 20, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.